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## AMENDMENT TO H.R. 2557 OFFERED BY MR. KIND



Page 56, strike lines 8 through 22 and insert the following:

1	"(3) Completion of mitigation.—To ensure
2	concurrent mitigation, the Secretary shall implement
3	at least 50 percent of required mitigation before be-
4	ginning project construction and shall implement the
5	remainder of required mitigation as expeditiously as
6	practical, but not later than—
7	"(A) the last day of construction of the
8	project or separable element of the project; or
9	"(B) in those instances in which it is not
10	technically practicable to complete mitigation
11	concurrent with the last day of project con-
12	struction because of the nature of the mitiga-
13	tion to be undertaken, as expeditiously as prac-
14	ticable, but in no case later than the last day
15	of the first fiscal year beginning after the last
16	day of construction of the project or separable
17	element of the project.".
18	(b) Full Mitigation Plan Contents.—Section
19	906(d) of such Act (33 U.S.C. 2283(d)) is amended—
20	(1) in the first sentence of paragraph (1)(A)—

1	(A) by inserting after "Congress" the fol-
2	lowing: ", and shall not choose a project alter-
3	native in any final record of decision, environ-
4	mental impact statement, or environmental as-
5	sessment,";
6	(B) by striking "a recommendation with";
7	and
8	(C) by inserting "fully" before "mitigate";
9	and
10	(2) by adding at the end the following:
11	"(3) Standards for mitigation.—
12	"(A) In general.—To fully mitigate fish
13	and wildlife impacts, the Secretary shall develop
14	and implement mitigation plans under para-
15	graph (1) that will—
16	"(i) acquire and restore at least one
17	acre of superior or equivalent habitat of
18	the same type to replace each acre of habi-
19	tat negatively affected by the project; and
20	"(ii) implement additional activities
21	necessary to ensure that mitigation will re-
22	sult in replacement of all functions of the
23	habitat negatively affected by the project,
24	including spatial distribution and natural
25	hydrologic and ecological characteristics.

1	"(B) Probability of Success.—A miti-
2	gation plan submitted by the Secretary under
3	paragraph (1) shall have a high probability of
4	successfully mitigating the adverse impacts of
5	the project on aquatic and other resources, hy-
6	drologic functions, and fish and wildlife.
7	"(4) MITIGATION PLAN CONTENTS.—A mitiga-
8	tion plan shall include—

Page 57, line 15, strike "any necessary".

Page 57, line 20, strike "(4)" and insert "(5)".